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BOOK REVIEWS.

THE GENIUS OF THE COMMON LAW. By the Right Honorable Sir. Frederick Pollock, Bart., D.C.L., LL.D. of Lincoln's Inn, Barrister at Law; Honorary Fellow of Corpus Christi College, Oxford. New York: The Columbia University Press, 1912, pp. 141.

This little book contains the substance of The Carpentier Lectures, given at Columbia University in 1911, and it has the charming characteristics of a similar set of lectures on The Expansion of the Common Law, delivered to the law schools of several American universities in the autumn of 1903, and afterwards published in book form. (Reviewed in 3 MICH. L. REV. 339).

Avoiding a definition of his theme the lecturer presents to his hearers the *genius* of the Common Law, the old Roman symbolic personage, *natale comes qui temperat astrum*. But as he begins with Germanic origins and traditions he soon abandons the Roman symbolism and presents to us Our Lady of the Common Law, "no placid Madonna sitting in a rose garden," but rather is she "the Fortitude of the Florentine master, armed and expectant, her battle mace lightly poised in fingers ready to close, at one swift motion, to the fighting grasp." Our Lady and her Knights (Chap. I.) are carried through many adventures in her struggles with archaic formalism, the contest of "The Giants and the Gods" (Chap. II.); with decadent formalism in "Surrebutter's Castle" (Chap. III.); and with various "Enemies in the Gates" (Chap. IV.), such as medieval lawlessness, officialism ancient and modern, et al. Her "Rescue and Ransom" (Chap. V.) are brought about by extensions of jurisdiction, fictions and legislation. She makes "Alliance and Conquest" (Chap. VI) by borrowing from other systems and by assimilation of the law merchant. Our Lady is still exposed to the "Perils of the Market Place" (Chap. VII) in her contact with economic opinion; conflicts of doctrine and tendency, and it remains true that "there is no more arduous enterprise for law-ful men, and none more noble, than the perpetual quest of justice laid upon all of us who are pledged to serve our lady of the Common Law."

This all seems fanciful enough in the bald review but it assuredly is most delightful in the perusal. Nor is the interesting form of presentation of his subject by this "lawyer with a style" secured at the expense of accurate technical content; for example, his concise and accurate account of the development of procedure (p. 69) and his resume of the principles of possession in the Common Law (p. 120), in which he reproduces the substance of his joint investigation with Mr. Justice Wright of the English law on this subject. He here refutes the common assumption that the Roman doctrine of possession was more complete and scientific than our own. He gives us, too, some wholesome criticism of the confused and obscure doctrine of criminal conspiracy as affecting labor troubles in England (p. 102), and speaks of the "fellow servant doctrine" as one of the great mistakes of the Common Law. Altogether the book is a most inspiring and helpful one.

These lectures already published in book form are also appearing serially in the Columbia Law Review, the second chapter on "The Giants and the Gods" being printed in the April number.

J. H. D.